UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,403	08/17/2001	Greg A. Blodgett	4653US (97-333) . 02	5212

24247 7590 05/13/2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

EXAMINER	
IQBAL, NADEEM	
ART UNIT	**PAPER NUMBER**
2114	4

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary	Application No.	Applicant(s)	
	09/932,403	BLODGETT, GREG A.	
	Examiner	Art Unit	
	Nadeem Iqbal	2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 August 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-23 are rejected under the judicially created doctrine of double patenting over claims 1-26 of U. S. Patent No. 6,199,177 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

As per claim 1 of Application, with reference to limitations pertain to "a semiconductor memory comprising, an array including a redundant row", these limitations are taught by the applied patent's claim 1 at (col. 9, lines 50, 51), with reference to limitations pertain to "a first set of nonvolatile memory elements of said array", these limitations are taught by the applied patent at (col. 9, lines 52-54), with reference to limitations pertain to "data path circuitry coupled to said array repair configuration", these limitations are taught by the applied patent at (col. 9, lines 57-59), with reference to limitations pertain to "routing circuitry

coupled.....column address bits", these limitations are taught by the applied patent at (col. 9, lines 62-65), with reference to limitations pertain to "comparison circuitry coupled to said first.....activated redundant row", these limitations are taught by the applied patent at (col. 9, lines 66-67, col. 10, 1-8).

As per claim 2 of Application, with reference to limitations pertain to "where in said array is a array", these limitations are taught by the applied patent's claim 2 at (col. 10, lines 9-12).

As per claim 3 of Application, with reference to limitations pertain to "where in said first and second sets of nonvolatile elements.....cells", these limitations are taught by the applied patent's claim 3 at (col. 10, lines 13-15).

As per claim 4 of Application, the limitations in this claim are taught by the applied patent's claim 4 at (col. 10, lines 16-18).

As per claim 5 of Application, the limitations in this claim are taught by the applied patent's claim 5 at (col. 10, lines 20-22).

As per claim 6 of Application, the limitations in this claim are taught by the applied patent's claim 6 at (col. 10, lines 23-25).

As per claim 7 of Application, the limitations in this claim are taught by the applied patent's claim 9 at (col. 10, lines 35-39).

As per claim 8 of Application, the limitations in this claim are taught by the applied patent's claim 10 at (col. 10, lines 40-42).

As per claim 9 of Application, the limitations in this claim are taught by the applied patent's claim 11 at (col. 10, lines 43-45).

As per claim 10 of Application, the limitations in this claim are taught by the applied patent's claim 12 at (col. 10, lines 46-68).

As per claim 11 of Application, the limitations in this claim are taught by the applied patent's claim 13 at (col. 11, lines 11-26).

As per claim 12 of Application, the limitations in this claim are taught by the applied patent's claim 14 at (col. 11, lines 27-52).

As per claim 13 of Application, the limitations in this claim are taught by the applied patent's claim 15 at (col. 11, lines 53-54).

As per claim 14 of Application, the limitations in this claim are taught by the applied patent's claim 16 at (col. 11, lines 55-67, col. 12, lines 1-16).

As per claim 15 of Application, the limitations in this claim are taught by the applied patent's claim 17 at (col. 12, lines 17-41).

As per claims 16 & 17 of Application, the limitations in this claim are taught by the applied patent's claim 18 at (col. 12, lines 42-45).

As per claim 18 of Application, the limitations in this claim are taught by the applied patent's claim 19 at (col. 12, lines 46-65).

As per claim 19 of Application, the limitations in this claim are taught by the applied patent's claim 20 at (col. 12, lines 66-67, col. 13, lines 1, 2).

As per claim 20 of Application, the limitations in this claim are taught by the applied patent's claim 21 at (col. 13, lines 3-6).

As per claim 21 of Application, the limitations in this claim are taught by the applied patent's claim 24 at (col. 14, lines 1-4).

As per claim 22 of Application, the limitations in this claim are taught by the applied patent's claim 25 at (col. 14, lines 5-9).

As per claim 23 of Application, the limitations in this claim are taught by the applied patent's claim 26 at (col. 14, lines 10-13).

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadeem Iqbal whose telephone number is (703)-308-5228. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W Beausoliel can be reached on (703)-305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nadeem Iqbal
Primary Examiner
Art Unit 2114

NI